**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.23975 of 2006**

**Dated:18.11.2006**

**Between:**

Medodi Rathnamma.

…Petitioner

and

The Revenue Divisional Officer and others.

…Respondent

**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.23975 of 2006**

**ORDER:**

There are fifty petitioners in this petition filed under Article 226 of the Constitution of India. They seek a writ of mandamus declaring the action of respondents 1 and 2, namely the Revenue Divisional Officer (RDO) and the Mandal Revenue Officer (MRO), Jharasangam Mandal in Medak District, in proposing to assign the land admeasuring Acs.4.31 guntas in Survey Nos.101 to 105 of Devarampally Village of Jarasangham Mandal in Medak District, in favour of respondents 3 to 30 as illegal and arbitrary. They also seek a consequential direction to respondents 1 and 2 to assign the land to the petitioners.

Briefly stated, the case of the petitioners is that they are landless poor persons belonging to Schedule Castes (Harijans) of the Village. They are in possession and cultivating the land in Survey Nos.101 to 105, whereas respondents 1 and 2 are now assigning lands to respondents 3 to 30, who are ineligible. The petitioners also allege that respondents 3 to 15, 21 to 28 are residents of Jeerlapally Village even as per the statement prepared by the second respondent, and therefore, they are not eligible. They also allege that respondents 8, 9,11, 12, 13 to 15, 21, 22, 26 to 28 are having agricultural lands ranging from Acs.3.00 to Acs.10.00, whereas respondents 8, 9, 11, 16

and 23 to 26 are not residing in Devarampally Village. Therefore, the petitioners contend that assigning agricultural land to respondents 3 to 30 ignoring the claims of the petitioners is illegal and arbitrary.

Learned Counsel for the petitioners reiterated the contentions of the petitioners as noticed hereinabove.

Learned Assistant Government Pleader for Revenue (Assignment) submits that the Government is proposing to assign the lands to respondents on 19.11.2006 as per the list of beneficiaries prepared by the Assignment Review Committee (ARC) on 28.10.2006, and the petitioners have approached this Court belatedly.

Learned Counsel for the petitioners has taken this Court through the statement showing the details of beneficiaries prepared by ARC on 28.10.2006 to demonstrate that all the respondents 3 to 30 are not residents of Devarampally Village, that some of them already own lands. A perusal of the statement would *prima facie* support the contentions of the petitioners. However, as the petitioners have approached this Court when the land is about to be assigned, this Court is not inclined to go into the question. However, respondents 1 and 2 should keep in mind the eligibility criteria for assignment of the Government land to respondents 3 to 30. Needless to say that if the person is already owning the land or if the person is not a resident of the Village where the land is proposed to be assigned or when the persons are not landless or poor persons such persons are not eligible for assignment. While doing so, respondents 1 and 2 should also consider the case of the petitioners for assignment of land comprised in Survey Nos.101 to 105 of Devarampally Village. This observation and direction would certainly safeguard the interest of the petitioners.

The Writ Petition at the admission stage, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

18.11.2006

Note: Issue operative portion of the order by wire at party's costs.

B/o.

vs